

Congress of the United States  
House of Representatives  
Washington, DC 20515

September 7, 2023

The Honorable Steve M. Dettelbach  
Director  
Bureau of Alcohol, Tobacco, Firearms and Explosives  
99 New York Ave NE  
Washington, D.C. 20002

Dear Director Dettelbach:

It has come to my attention that yesterday, September 6, 2023, ATF agents once again aggressively targeted and harassed one of my constituent federal firearms licensees (FFL), Chris Smith of Gulf Coast Gun, this time apparently in violation of federal law. Chris has held an FFL in Florida for years with no issues, and yet the ATF has aggressively audited him without merit and accused him of various clerical errors in an attempt to have his FFL revoked. It is for this reason that Chris testified as a whistleblower before members of Congress.

After Chris' testimony at my Field Hearing on the Weaponization of the Bureau of Alcohol, Tobacco, Firearms and Explosives, ATF agents showed up at his business unprompted to inspect a manufacturer's license he has held for only six months: Given Chris has not yet used the license, the agents had nothing to inspect and had no choice but to leave. The ATF had previously audited Chris' retail license within the last year, and it follows that given the ATF is forbidden from auditing the same business twice in one year, the only excuse the ATF had to harass Chris further was to audit a new, unused manufacturer's license.

The local ATF agent admitted that he had no records Chris was using the license, but nevertheless received a direct order to audit Chris' new license. However, under the Firearm Owners Protection Act of 1986, the ATF's delegated authority from the Department of Justice to "inspect the inventory and records of a licensed collector without such reasonable cause or warrant" can only be for the purpose of "ensuring compliance with the record keeping requirements of this chapter **not more than once during any twelve-month period**" (emphasis added) (18 U.S.C. 923(g)(1)(C)). A single, vertically integrated manufacturer and seller of firearms is required, under the law, to maintain records and does not become two individuals subject to two unjustified annual inspections merely because your agency has decided to ask for additional paperwork.

In addition to this violation of federal law, the ATF showed up uninvited to the home of Christian O'Brien, Chris' store manager, without making an appointment, as he does not have business hours. Christian does not sell any firearms or perform any business on behalf of Gulf Coast Gun. Christian was not home at the time, so the agents called him and told him: "Don't worry, we know where you work." This kind of stalking is unwarranted and creepy.

The ATF's harassment of law-abiding FFLs is clear and documented. Furthermore, the implication that the ATF may be retaliating against congressional whistleblowers in response to their lawful actions before Congress is astounding. In order for the House Committee on the Judiciary, of which I am a member, to conduct oversight of this matter, at your immediate availability, please provide answers to the following questions:

- (1) How many audits and/or inspections have the ATF performed on a license held only for six months?
- (2) For what reason did the ATF decide to attempt an inspection on Chris' new license?
- (3) For what reason was the ATF seeking to speak with Christian O'Brien?
- (4) For what emergency did the ATF find it necessary to perform a house call to someone who is not involved in the sale of firearms on behalf of Gulf Coast Gun?
- (5) Who at the ATF made the decision to audit the unused license of a congressional whistleblower after giving his testimony?
- (6) What rules, regulations, or other agency documents does the ATF rely upon for its apparent position that multiple licenses for a single licensee subjects the licensee to multiple warrantless inspections within a 12-month period? Please provide those documents.

Sincerely,



Matt Gaetz  
Member of Congress